

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
DR. GERALD FINKEL, as Chairman of the Joint
Industry Board of the Electrical Industry,

Plaintiff,

- against -

AMENDED ORDER
09-CV-0540 (RRM) (CLP)

MILLENNIUM FIRE SERVICES, LLC,

Defendant.

-----X
MAUSKOPF, United States District Judge:

By motion filed March 30, 2011, Plaintiff moved for default judgment against Defendant. [Doc. No. 19.] By Order entered April 1, 2010 this Court referred that motion to the assigned Magistrate Judge, the Honorable Cheryl L. Pollak, for a Report and Recommendation. On February 15, 2011, Judge Pollak issued a Report and Recommendation (the "R&R") [Doc. No. 33.] recommending that Plaintiff's motion be granted, and awarding Plaintiff: 1) \$10,384.77 in unpaid contributions to the ERISA Funds and the 401(k) Fund; 2) \$271.50 in underpaid contributions owed; 3) 1,062.06 in interest on the unpaid, underpaid, and late-paid contributions; 4) \$25,125.86 in liquidated damages; and 5) \$11,138.40 in attorney's fees and \$682.18 in costs, for a total award of \$48,664, plus any additional interest that accrued from the issuance of the R&R until entry of judgment as detailed in the R&R, together with post-judgment interest pursuant to 28 U.S.C. § 1961. Judge Pollak also recommended that this Court order Defendant Millennium and its affiliate Millennium Fire Protection to submit to an audit and to pay any amounts determined to be due and owing. Judge Pollak reminded the parties that, pursuant to Rule 72(b), any objection to the R&R was due March 7, 2011. No party has filed any objection.

Pursuant to 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72, the Court has reviewed the R&R for clear error and, finding none, concurs with the R&R in its entirety. *See*

Covey v. Simonton, 481 F. Supp. 2d 224, 226 (E.D.N.Y. 2007). Accordingly, judgment shall enter in favor of the Plaintiff against Defendant as follows: 1) \$10,384.77 in unpaid contributions to ERISA Funds and the 401(k) Fund; 2) \$271.50 in underpaid contributions owed; 3) 1,062.06 in interest on the unpaid, underpaid, and late-paid contributions; 4) \$25,125.86 in liquidated damages; and 5) \$11,138.40 in attorney's fees and \$682.18 in costs, for a total award of \$48,664, plus any additional interest that accrued from the issuance of the R&R until entry of judgment as detailed in the R&R, together with post-judgment interest pursuant to 28 U.S.C. § 1961. The Court also orders Defendant Millennium and its affiliate Millennium Fire Protection to submit to an audit and to pay any amounts determined to be due and owing, as recommended in the R&R. The Clerk of Court shall enter judgment accordingly, and close this case.

SO ORDERED.

Dated: Brooklyn, New York
April 7, 2011

s/Roslynn R. Mauskopf

ROSLYNN R. MAUSKOPF
United States District Judge